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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4100 of 2006

WITH

INCOME TAX APPEAL LODGING NO.2252 OF 2006

The Commissioner of Income Tax..Appellant

Vs.

Shri Shrikant G. Mantri Respondent

Mr. B.M. Chatterji with Mrs. P.P.Bhosale and Mr.
P.S. Sahadevan, for the Appellant.

CORAM: F.I. REBELLO &

R.S.MOHITE, JJ.

DATED: 7TH JANUARY, 2008

P.C.:

. There is a delay of 228 days in preferring this Appeal. An affidavit has been filed showing cause. An additional affidavit has also been filed by Shri Chaturbhuj Das. As notice of Motion was not served on the respondent we are considering the Motion along with the Appeal itself on the issue as to whether a substantial question of law arises in this case.

2. Against the order of the A.O., the Assessee preferred an Appeal before the Commissioner of Income Tax (Appeals). One of the issues was in the matter of deleting the addition of Rs.1,95,23,910/- and the other issue was issue of reopening the

assessment. By an elaborate judgment the Commissioner (Appeals) found in favour of the assessee. Aggrieved the Revenue preferred an Appeal before the ITAT. The learned ITAT in so far as reopening the assessment allowed the Appeal preferred by the revenue and allowed the Appeal on that count. In so far as deletion of addition is concerned the learned Tribunal considered the findings of fact as recorded by the Commissioner (Appeals) and after considering the various aspects held that C.I.T. Appeals has examined in detail all possible aspects and that Revenue was unable to point out any irregularity or illegality and consequently the deletion of addition was confirmed. There are, therefore, two concurrent finding of fact on this issue. Nothing has been pointed out before us warranting us to take a different view or that the said findings are perverse from which the question of law as framed would arise.

3. In the light of the above considering that there is no merit in this Appeal, Notice of Motion along with Appeal accordingly disposed of.

(R.S.MOHITE, J.)

(F.I.REBELLO, J.)